

REMARKS

In response to the Final Office Action mailed June 14, 2011, Applicants respectfully request reconsideration. Claims 66, 67, 71, 72, 74, 75, 77, 78, 82, 174, 175, 181, 184-189 and 193-194 were previously pending in this application. By this amendment, claims 66, 174, 175, 181, 1843 and 185 have been amended. As a result, claims 66, 67, 71, 72, 74, 75, 77, 78, 82, 174, 175, 181, 184-189 and 193-194 are pending for examination with claims 66, 186 and 192 being independent claims. No new matter has been added.

Interview Summary

Applicants thank the Examiner for the courtesies of granting and conducting a telephone interview on August 3, 2011. During the interview, limitations of claim 1 were discussed, including “providing a value for at least one of the computed other state attributes to the thin client wearable computer” and “physical activity.”

No agreement was reached during the interview.

The Amendment Should be Entered

A minor amendment has been made to claim 66 for clarity, with corresponding amendments to dependent claims 174, 175, 181, 1843 and 185 for consistency. This amendment should be entered because it places the claims in better condition for appeal. The amendment should not be viewed as raising new issues, particularly in light of dependent claims 184 and 185.

Claim Rejections – 35 U.S.C. §102

The Office Action rejects claims 66, 67, 71, 72, 74, 75, 77, 78, 82, 174, 175, 181, 184-191 and 193-194 under 35 U.S.C. §102(e) as being anticipated by Jacobson et al. Applicants respectfully traverse the rejection.

Independent Claim 66

In the Response to Arguments, the Office Action asserts that Johnson describes that the system determines physical activity of the user. The Office Action asserts that determining whether

the user has been injured, is losing blood or is suffering from hypothermia constitute physical activity of a user. Applicants respectfully disagree. Determining whether a person is injured is not the same as determining a physical activity engaged in by the user.

The rationale applied by the Office Action is particularly inappropriate with respect to others of the claims, such as claims 184 and 185 where the physical activity is more specifically defined as “exercising” and “talking,” respectively.

Moreover, regardless of what type of activity is determined, there is no disclosure of a value indicating the physical activity being provided to the thin client wearable computer, as would be required to meet the limitation of claim 66 that recites: “providing a value for at least one of the computed other state attributes to the thin client wearable computer, said value indicating the physical activity engaged in by the user.” As understood, the Office Action equates the soldier unit of Jacobsen with the thin client wearable computer of the claim. However, there is no disclosure in Jacobsen of a value indicating the physical activity being communicated to the soldier unit. The passages of Jacobsen cited on page 5 of the Office Action are understood to relate to monitoring the soldier unit or sending a command to the soldier unit. These activities may entail communication from the soldier unit to the command unit or sending information, such as a command to the soldier unit. However, none of the cited passages can reasonably be interpreted as providing a value indicating the physical activity to the soldier unit.

Thus, there are multiple reasons that the rejection of claim 66 should be withdrawn. The dependent claims should be allowed at least for the same reasons. Moreover, as pointed out above, the dependent claims recite limitations that further distinguish over the cited art, and some even expressly contradict reasoning in the Office Action used to reject the claims.

Independent Claim 186

The Office Action (page 3) includes claim 186 in the list of claims rejected under 35 U.S.C. 102 based on Jacobsen. However, no basis for this rejection is provided and claim 186 is discussed in connection with a rejection under 35 U.S.C. 103. Accordingly, reasons that the rejection of claim 186 should be reversed are provided below in connection with the rejection under 35 U.S.C. 103.

Independent Claim 193

The Office Action (page 9) rejects claim 193 for the same reason as claim 66. For reasons that should be clear from the discussion of Jacobsen, above, the rejection should be withdrawn at least because Jacobsen does not disclose:

“automatically modeling values of other state attributes based at least in part on the sent values of the state attributes by computing a value characterizing an activity of the user from the sent values of the state attributes of a lower level of abstraction” or

“providing a value for at least one of the modeled other state attributes to the mobile computer, said value indicating the activity of the user.”

Claim Rejections – 35 U.S.C. §103

The Office Action rejects claims 186-189 under 35 U.S.C. §103(a) as being unpatentable over Jacobsen et al. in view of Grube et al. (US Patent No. 6,031,455). Applicants respectfully traverse the rejection.

Applicants respectfully submit that the Office Action incorrectly rejects claim 186 at least because of an incorrect interpretation of Jacobsen, as pointed out above. If properly interpreted, neither Jacobsen nor Grube discloses:

“modeling a second value of a second state attribute based at least in part on the first values, the second value modeled by selecting a value characterizing a user activity from a set comprising driving and walking;” or

“providing at least a portion of the current state from the system, the at least a portion of the current state including the second value indicating the user activity.”

Further, the Office Action (page 10) appears to redefine the claim to effectively ignore the recitation of: “...the second value modeled by selecting a value characterizing a user activity from a set comprising driving and walking.” When this limitation of the claim is considered, it is clear that the rejection should be withdrawn.

As a further reason that the rejection must be withdrawn, the Office Action provides no reason that one of skill in the art would have combined Jacobsen and Grube. Grube is understood to

monitoring environment conditions as part of a satellite communication system. There is no logical reason why actions taken as part of monitoring environmental conditions for satellite communication would be useful in the Jacobsen or – even if the teachings Grube might somehow have been applied – would have been used as recited in the claim.

Thus, there are multiple reasons that the rejection of claim 186, and of dependent claims 187-189, should be withdrawn.

General Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. Applicants do not, however, necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. M1103.70784US00.

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Respectfully submitted,

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